

<b>Notice of Allowability</b>	<b>Application No.</b>	<b>Applicant(s)</b>	
	09/997,750	PAL ET AL.	
	Examiner	Art Unit	
	Jacques Veillard	2165	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address--

All claims being allowable, PROSECUTION ON THE MERITS IS (OR REMAINS) CLOSED in this application. If not included herewith (or previously mailed), a Notice of Allowance (PTOL-85) or other appropriate communication will be mailed in due course. **THIS NOTICE OF ALLOWABILITY IS NOT A GRANT OF PATENT RIGHTS.** This application is subject to withdrawal from issue at the initiative of the Office or upon petition by the applicant. See 37 CFR 1.313 and MPEP 1308.

1.  This communication is responsive to 7/19/2004.
2.  The allowed claim(s) is/are 1-5,7-9 and 16-18.
3.  The drawings filed on 19 July 2004 are accepted by the Examiner.
4.  Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
  - a)  All
  - b)  Some\*
  - c)  None
 of the:
  1.  Certified copies of the priority documents have been received.
  2.  Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
  3.  Copies of the certified copies of the priority documents have been received in this national stage application from the International Bureau (PCT Rule 17.2(a)).

\* Certified copies not received: \_\_\_\_\_.

Applicant has THREE MONTHS FROM THE "MAILING DATE" of this communication to file a reply complying with the requirements noted below. Failure to timely comply will result in ABANDONMENT of this application.  
**THIS THREE-MONTH PERIOD IS NOT EXTENDABLE.**

5.  A SUBSTITUTE OATH OR DECLARATION must be submitted. Note the attached EXAMINER'S AMENDMENT or NOTICE OF INFORMAL PATENT APPLICATION (PTO-152) which gives reason(s) why the oath or declaration is deficient.
6.  CORRECTED DRAWINGS ( as "replacement sheets") must be submitted.
  - (a)  including changes required by the Notice of Draftsperson's Patent Drawing Review ( PTO-948) attached
    - 1)  hereto or 2)  to Paper No./Mail Date \_\_\_\_\_.
  - (b)  including changes required by the attached Examiner's Amendment / Comment or in the Office action of
 Paper No./Mail Date \_\_\_\_\_.

Identifying indicia such as the application number (see 37 CFR 1.84(c)) should be written on the drawings in the front (not the back) of each sheet. Replacement sheet(s) should be labeled as such in the header according to 37 CFR 1.121(d).
7.  DEPOSIT OF and/or INFORMATION about the deposit of BIOLOGICAL MATERIAL must be submitted. Note the attached Examiner's comment regarding REQUIREMENT FOR THE DEPOSIT OF BIOLOGICAL MATERIAL.

**Attachment(s)**

1.  Notice of References Cited (PTO-892)
2.  Notice of Draftsperson's Patent Drawing Review (PTO-948)
3.  Information Disclosure Statements (PTO-1449 or PTO/SB/08),  
Paper No./Mail Date \_\_\_\_\_
4.  Examiner's Comment Regarding Requirement for Deposit  
of Biological Material
5.  Notice of Informal Patent Application (PTO-152)
6.  Interview Summary (PTO-413),  
Paper No./Mail Date 1/5/2005.
7.  Examiner's Amendment/Comment
8.  Examiner's Statement of Reasons for Allowance
9.  Other \_\_\_\_\_.

  
**CHARLES RONES**  
 PRIMARY EXAMINER

**DETAILED ACTION**

1. This action in response to the applicant's amendment filed on 7/19/2004.
2. Claims 4, 7-9, and 16-18 have been amended, and claims 10-15, and 19 cancelled.
3. Claims 1-9, and 16-18 are pending and presented for examination.

***Examiner's Amendment***

4. An examiner's amendment to the record appears below. Should the changes and/or additions be unacceptable to applicant, an amendment may be filed as provided by CFR 1.312. To ensure consideration of such an amendment, it MUST be transmitted no later than the payment of the issue fee.

Authorization for this examiner amendment was given in a telephone interview with attorney Alfred W. Kozak (Reg. No. 24,265), the attorney undersigned for Applicant(s), on January 5, 2005.

**5. The application has been amended as follow:**

IN THE CLAIMS: Please amend claim 1 as follow:

1. (Currently amended) In a computer system including a server accessing a database and a magnetic tape drive, a method for locating a group of audit files from said database on tape, said method comprising the steps of:
  - (a) creating a Tapeset for said group of audit files;
  - (b) initializing a disk directory file to hold positional information of said tapeset;

(c) for each audit file within said group of audit files, locating said audit file within said Tapeset using said positional information, wherein said step of locating said audit file within said Tapeset includes the steps of:

(c1) determining if said step of locating said audit file is for appending or for retrieving said audit file;

(c2) if said step of locating said audit file is for appending purposes, appending said audit file to said Tapeset;

(c3) if said step of locating said audit file is for retrieving purposes, retrieving said audit file from said Tapeset.

6. (Cancelled).

#### *Drawings*

6. The formal drawings were received on 7/19/2004. These drawings are approved as to the merits by the examiner.

#### *Allowable Subject Matter*

7. Claims 1-5, 7-9, and 16-18 are allowed over the prior art of record.

8. The following is an examiner's statement of reasons for allowance: Applicant particularly discloses a method for locating a group of audit files by accessing a database and a magnetic tape drive in a computer environment. The method comprising of three-layered middleware approach such as a) creating a tapeset for the group of audit files, b) initializing a disk directory to hold

positional information of the tapeset, and c) for each audit files within the group of audit files, locating the audit file within the tapeset using the positional information, wherein the step of locating the audit file within said tapeset includes the steps of: determining if the step of locating the audit file is for appending or for retrieving the audit file; if the step of locating the audit file is for appending purposes, appending the audit file to said tapeset; if the step of locating the audit file is for retrieving purposes, retrieving the audit file from the tapeset as embodied in the independent claims 1, 7 and 16, in context with the other limitations of the claims was not disclosed by, would not have been obvious over, nor would have been fairly suggested by the prior art of record.

The dependent claims, being further limiting to the independent claims, definite and enabled by the specification are also allowed.

The closest prior art Sorenson (U. S. Pat. No. 6,324,548), discloses a system relates to database management and specifically to database backup and recovery using the move history files to locate tapes while the Applicant's system creates the whole tapeset automatically, and obtains the disk directory file from the tapeset itself. Sorenson does not implicitly disclose for each audit files within the group of audit files, locating the audit file within the tapeset using the positional information, wherein the step of locating the audit file within said tapeset includes the steps of: determining if the step of locating the audit file is for appending or for retrieving the audit file; if the step of locating the audit file is for appending purposes, appending the audit file to said tapeset; if the step of locating the audit file is for retrieving purposes, retrieving the audit file from the tapeset. The closest prior art fails to anticipate or render Applicant's limitations above obvious.

Any comments considered necessary by applicant must be submitted no later than the payment of the issue fee and, to avoid processing delays, should preferably accompany the issue fee. Such submissions should be clearly labeled "Comments on Statement of Reasons for Allowance."

9. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Jacques Veillard whose telephone number is (571) 272-4086. The examiner can normally be reached on Mon. to Fri. from 9 Am to 4:30 PM, alt. Fri. off.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Dov Popovici can be reached on (571) 272- 4083. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).



CHARLES RONES  
PRIMARY EXAMINER

*J.V.*  
Jacques Veillard  
Patent Examiner TC 2100

January 5, 2005